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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
WALKER RIVER PAIUTE TRIBE,)
)
Plaintiff-Intervenor,)
vs.)
)
WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
Defendants.)

IN EQUITY NO. C-125-MMD
Subproceeding: 3:73-CV-00128-MMD-WGC

**MOTION TO DISMISS TALBOT LAND
AND LIVESTOCK AS A DEFENDANT**

MINERAL COUNTY,)
)
Plaintiff-Intervenor,)
vs.)
)
WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
Defendants.)

COMES NOW, Plaintiff-Intervenor Mineral County, by and through its attorneys, Simeon Herskovits and Iris Thornton of Advocates for Community and Environment, and T. Jaren Stanton, Mineral County District Attorney, and hereby submits this *Motion to Dismiss Talbot Land and Livestock as a Defendant*. This motion follows and is filed in response to the *Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer* filed by Talbot Land and Livestock on July 26, 2021. ECF 948. Talbot Land and Livestock was personally served by Mineral County as an appropriative water rights owner on April 19, 1995. The Court ratified service on April 3, 2000. ECF 327.

Based on the representation made and documentation included in the July 26, 2021, filing, it appears that it would be appropriate for the Court to dismiss Talbot Land and Livestock as a Defendant from this subproceeding, 3:73-cv-0128.¹ Because the successor-in-interest to Talbot Land and Livestock, Centennial Livestock, already is a Defendant in this case and because the Court already has ratified service on Centennial Livestock, ECF 665, no further action by the Court or Mineral County is necessary. Mineral County has conferred with the Principal Defendants who have indicated that they do not oppose this motion.

¹ Because Talbot Land and Livestock was previously served and had entered an appearance in this case, the proper filing should have been a motion for substitution, with the burden on the defendant to make such a filing and request the Court to dismiss it from the subproceeding. *See* ECF 542, at 4 (September 6, 2011). However, in the interest of efficiency and for this filing only, Mineral County is requesting that the Court dismiss Talbot Land and Livestock. While Mineral County believes that the information contained in the filing made by Talbot Land and Livestock supports dismissal, pursuant to the Court's *Revised Proposed Order Concerning Service Issues Pertaining to Defendants Who Have Been Served*, Talbot Land and Livestock "is ultimately responsible for the accuracy of [its] filing ... [and] any defendant who files such a motion, but, in fact, retains the water rights addressed in this motion, shall nevertheless be bound by the results of this litigation." ECF 542, at 14.

Mineral County therefore respectfully requests that the Court dismiss Talbot Land and Livestock as a Defendant from this subproceeding.

Respectfully submitted this 21st day of January, 2022,

/s/ Iris Thornton

Simeon M. Herskovits, Nevada Bar No. 11155

Iris Thornton, *pro hac vice*

Advocates for Community and Environment

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/s/ T. Jaren Stanton

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of January, 2022, I electronically filed the foregoing **MOTION TO DISMISS TALBOT LAND AND LIVESTOCK AS A DEFENDANT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case.

Additionally, I hereby certify that on this 21st day of January, 2022, I caused to be served, via United States Postal Service First Class Mail, the foregoing **MOTION TO DISMISS TALBOT LAND AND LIVESTOCK AS A DEFENDANT** on the following:

Talbot Land and Livestock
737 Home Street
Bishop, CA 93514

/s/Iris Thornton

Iris Thornton